

IN RE: PETITION FOR ZONING VARIANCE
NE/S Cub Hill Road, 456' E of
the 31st of Powderhorn Lane
(2526 Cub Hill Road)
9th Election District
6th Councilmanic District
Nicholas P. Trionfo, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-333-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance in which the Petitioners request relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 20 feet in lieu of the minimum required 40 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners, Nicholas P. and Karen L. Trionfo, appeared and testified. Also appearing on behalf of the Petitioners was Geoffrey C. Schultz, Engineer with McKee & Associates. Appearing and testifying in opposition to the relief requested was Donald McDougall, Sr., an adjacent property owner and resident of the community.

Testimony indicated that the subject property, known as 2526 Cub Hill Road, is part of a larger tract of land containing 1.011 acres, more or less, zoned B.R. 2., which is located near the intersection of Waltham Woods Road in Baltimore County. Petitioners are desirous of subdividing this tract to create two separate lots, Lot 1 of which would contain the existing improvements, and Lot 2, which is proposed for development with a single family dwelling. Mr. Trionfo testified that his father resides in the existing dwelling on Lot 1 and that the proposed dwelling on Lot 2 would be for himself and his family. Testimony indicated that Lot 2, if approved, will consist of 0.547 acres, more or less. Petitioners intro-

duced a site plan of the property depicting proposed lots 1 and 2 with the existing and proposed improvements noted thereon. Testimony indicated that the requested variance is necessary due to the close proximity of an existing stream south of the subject site and the required setback from the forest buffer easement.

Geoffrey Schultz, who prepared the site plan, testified on behalf of the Petitioners. Mr. Schultz testified that the proposed dwelling for Lot 2 has been placed in the only feasible location on this property due to the existence of a stream and protective forest buffer to the south of the subject site. He testified that the setback required from the forest buffer resulted in the Petitioners being forced to place the proposed dwelling only 20 feet from the rear property line of the subject lot. Testimony indicated that strict compliance with the B.C.Z.R. would create practical difficulty and unreasonable hardship for the Petitioners.

Appearing and testifying as a Protestant in the matter was Donald McDougall, Sr. Mr. McDougall testified that he resides to the rear of proposed Lot 2 and that he objects to the proposed dwelling being located only 20 feet from his property line. Mr. McDougall believes that a house constructed that close to his property line would invade and infringe upon the privacy he currently enjoys on his property. Mr. McDougall also submitted a Petition which had been signed by many residents and neighbors of the surrounding community indicating they are opposed to the Petitioners' request.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 2 -

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In the opinion of this Deputy Zoning Commissioner, a dwelling on Lot 2 in the location shown on Petitioner's Exhibit 1 will not adversely affect the property owners to the rear of this site. Further, as a condition of the granting of this variance, the Petitioners will be required to landscape those portions of the rear property line of proposed lots 1 and 2 which abut Lots 8 and 9 in order to screen the proposed dwelling and existing garage from those properties. The variance requested will not cause any injury to the public health, safety or general welfare. In addition, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

- 3 -

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23rd day of April, 1992 that the Petition for Zoning Variance from 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 20 feet in lieu of the minimum required 40 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Within thirty (30) days of the date of this Order, Petitioners shall submit a landscape plan for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. Said plan shall provide for planting and screening along those portions of the rear property line of proposed lots 1 and 2 which abut the rear property line of Lots 8 and 9, as shown and highlighted on the attached plan marked Deputy Zoning Commissioner's Exhibit A.

3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 92-333-A Date of Posting: 3/24/92
Posted for: 3/24/92
Petitioner: Nicholas P. Trionfo, et ux
Location of property: 2526 Cub Hill Road, 456' E of Powderhorn Lane, 9th Election District, 6th Councilmanic District, Towson, Maryland 21204
Location of Signs: 2526 Cub Hill Road, 456' E of Powderhorn Lane, 9th Election District, 6th Councilmanic District, Towson, Maryland 21204
Remarks: None
Posted by: Timothy M. Kotroco Date of return: 3/24/92
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD. 3/19 1992

THIS IS TO CERTIFY that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/19 1992.

TOWSON TIMES,

S. Zake Olson
Publisher

\$82.86

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-1196

April 23, 1992

Mr. & Mrs. Nicholas P. Trionfo
2600 Cub Hill Road
Baltimore, Maryland 21234

RE: PETITION FOR ZONING VARIANCE
NE/S Cub Hill Road, 456' E of Powderhorn Lane
(2526 Cub Hill Road)
9th Election District - 6th Councilmanic District
Nicholas P. Trionfo, et ux - Petitioners
Case No. 92-333-A

Dear Mr. & Mrs. Trionfo:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Donald McDougall, Sr.
9507 Powderhorn Lane, Baltimore, Md. 21234

People's Counsel

File



Petition for Variance

to the Zoning Commissioner of Baltimore County 92-333-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 (D.R.-2) to permit a rear yard setback in a DR-2 zone of 20 feet in lieu of the minimum required 40 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

The proposed lot meets the requirements for size and width, however, because of the proximity of the stream and the placement of the forest buffer and setback, the minimum rear setback cannot be met.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
Nicholas P. Trionfo
(Type or Print Name)
Nicholas P. Trionfo
Signature
Karen P. Trionfo
(Type or Print Name)
Karen P. Trionfo
Signature

2600 Cub Hill Road
Address
Baltimore, Maryland 21234
City and State

Name, address and phone number of legal owner, contract purchaser, or representative to be contacted
McKee & Associates, Inc. 527-1555
Name
5 Shawan Road, Hunt Valley, Md. 21030
Address
Office Use Only

ESTIMATED LENGTH OF HEARING 1/2HR. +1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER DATE
REVIEWED BY: LC DATE 3/19

ORDER RECEIVED FOR FILING

Date 4/6/92
By *[Signature]*

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone: (301) 527-1555
Facsimile: (301) 527-1563

March 5, 1992

DESCRIPTION OF
2526 CUB HILL ROAD
NINTH ELECTRIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the northeast side of Cub Hill Road, said point being 456.39 feet east of the centerline of Powderhorn Lane; thence running along the northeast side of Cub Hill Road, North 50°52'00" West 44.84 feet to a point; thence leaving said road and running for the ten following courses and distances viz: North 04°52'00" West 35.00 feet, North 25°56'48" West 145.82 feet, North 39°08'00" East 112.00 feet, South 84°14'30" East 29.80 feet, South 50°51'45" East 67.00 feet, South 05°54'58" East 25.22 feet, South 39°30'11" West 79.89 feet, South 23°35'13" East 80.00 feet, South 08°07'48" West 41.00 feet, and South 39°11'26" West 45.49 feet to the place of beginning.

Containing 23,819 square feet or 0.547 acres of land, more or less.

Being known as Lot 2 on the proposed minor subdivision of Trionfo Property.

Also being known as 2526 Cub Hill Road.



351

CERTIFICATE OF PUBLICATION

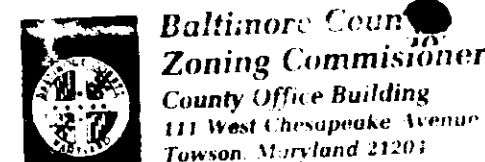
TOWSON, MD., 3/19, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/19, 1992

THE JEFFERSONIAN,

S. Zeke Olson
Publisher

receipt



Date

Account: R-001 6150
Number

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 3/19/92

Nicholas and Karen Trionfo
2600 Club Hill Road
Baltimore, Maryland 21234

RE:
CASE NUMBER: 92-333-A
NE/S Club Hill Road, 456' E of c/l Ponderhorn Lane
2526 Club Hill Road
9th Election District - 6th Councilmanic
Petitioner(s): Nicholas P. and Karen L. Trionfo

Dear Petitioner(s):

Please be advised that \$167.80 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jablon
DIRECTOR

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

MARCH 11, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 113, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-333-A
NE/S Club Hill Road, 456' E of c/l Ponderhorn Lane
2526 Club Hill Road
9th Election District - 6th Councilmanic
Petitioner(s): Nicholas P. and Karen L. Trionfo
HEARING: MONDAY, APRIL 6, 1992 at 2:00 p.m.

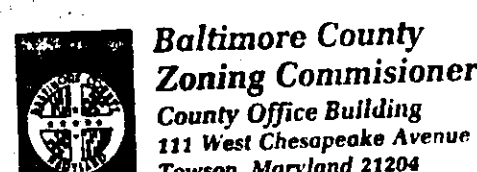
Variance to permit a rear yard setback of 20 feet in lieu of the minimum required 40 feet.

Lawrence E. Schmidt
Zoning Commissioner of
Baltimore County

cc: Nicholas and Karen Trionfo
McKee & Associates, Inc.

Printed on Recycled Paper

receipt



Date

Account: R-001 6150
Number

92-333-A
\$35.00
Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 1, 1992

Mr. & Mrs. Nicholas P. Trionfo
2600 Club Hill Road
Baltimore, MD 21234

RE: Item No. 351, Case No. 92-333-A
Petitioner: Nicholas P. Trionfo, et ux
Petition for Variance

Dear Mr. & Mrs. Trionfo:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 5th day of March, 1992.

Arnold Jablon
DIRECTOR

Received By:

W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Nicholas P. Trionfo, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

March 16, 1992

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #351, Zoning Advisory Committee Meeting of March 17, 1992, Nicholas P. Trionfo and Karen L. Trionfo, NE/S Club Hill Road, 456' E of centerline Ponderhorn Lane (2526 Club Hill Road), D-9, Public Water and Sewer

COMMENTS ARE AS FOLLOWS:

Comments concerning the forest buffer will be addressed during the minor subdivision process.

SSF:rmp

351.ZNG/GWRMP

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

MARCH 16, 1992

Fire Chief
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: NICHOLAS P. TRIONFO AND KAREN L. TRIONFO

Location: #1226 CLUB HILL ROAD

Item No.: 351 Zoning Agency: EALCH 17, 1992

Comments:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the contents below are applicable and required to be corrected or incorporated into the final plan for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWED: [Signature] Noted and
Planning Group Approved
Special Inspection Division Fire Prevention Bureau

JE/YEF

RECEIVED
MARCH 13 1992

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: March 13, 1992

FROM: Robert W. Bowling, P.E.
Zoning Advisory Committee Meeting
for March 17, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 335, 338, 339, 343, 347, 348, 349, 350, 352 and 353.

For Item 351, the site is subject to the previous minor subdivision comments.

For Item 355, the site must be submitted through the minor subdivision process for review and comments.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

RECEIVED
MAR 17 1992

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: April 8, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 17, 1992

This office has no comments for item numbers 335, 338, 339, 343, 347, 349, 350, 351, 352, 353 and 355.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJT/lvd

RECEIVED
APR 10 1992
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Lawrence Schmidt
Zoning Commissioner

DATE: April 3, 1992

FROM: Mr. Donald C. Outen

SUBJECT: Nicholas Trionfo Property
Zoning Item #92-333-A

The subject zoning variance request to allow a 20 foot rear yard setback, in lieu of the required 40 feet, was requested by the owner at the direction of this Department, in order to conform to the 35 foot setback from the Forest Buffer Easement per Article IX, Section 14-342 of the Baltimore County Code. This Department routinely directs land owners seeking a variance to Article IX, Section 14-341 to exhaust all possible options to relieve their hardship before this Department will grant a variance in accordance with Article IX, Section 14-333. Therefore, this Department supports the subject zoning variance request.

Donald C. Outen
Donald C. Outen, A.T.C.P., Chief
Bureau of Water Quality

DCO:GS:sp

cc: Mr. Geoffrey C. Schultz
McKee & Associates, Inc.

SCHMIDT/TXTSBP

RECEIVED
APR 8 1992
ZONING OFFICE

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

MARCH 17, 1992

Mr. Jeffrey Schultz
McKee & Associates, Inc.
5 Shawan Road
Hunt Valley, Maryland 21030

Re: Case Number: 92-333-A
2526 Cub Hill Road
Nicholas and Karen Trionfo

Dear Mr. Schultz:
Confirming our telephone conversation of today's date, hearing of the above matter will take place as scheduled on Monday, April 6, 1992, however, the time of hearing has been moved to 9:00 a.m.

By copy of this letter, I am informing the Petitioners and requesting that, using a magic marker, they alter the zoning sign on the property to reflect this change.

Thank you for your cooperation.

Very truly yours,

G. G. Stephens
G. G. Stephens
(301) 887-3391

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

<i>Nicholas P. Trionfo</i>	<i>2526 Cub Hill Road</i>
<i>Jeffrey C. Schultz</i>	<i>5 Shawan Road</i>
	<i>Hunt Valley, MD 21030</i>

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

<i>Nicholas P. Trionfo</i>	<i>1745 Weston Ave 21234</i>
<i>Jeffrey C. Schultz</i>	<i>McKee & Associates</i>
	<i>5 Shawan Rd</i>
	<i>Hunt Valley, MD 21030</i>

County Council of Baltimore County
Court House, Towson, Maryland 21204

(410) 887-3196

Fax (410) 887-5791

April 7, 1992

Mr. Lawrence F. Schmidt
Baltimore County Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Schmidt:

Attached please find a copy of Resolution 30-92 concerning the public disclosure of Daniela and Gary Thompson, employees of Baltimore County.

This Resolution was unanimously approved by the County Council at its April 6, 1992 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
Enclosure
R3092/DNPNP

cc: Daniela Thompson
Gary Thompson

RECEIVED
APR 8 1992
ZONING OFFICE

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1992, LEGISLATIVE DAY NO. 2
RESOLUTION NO. 30-92

MR. C. A. DUTCH RUPPERSBERGER, III, COUNCILMAN

BY THE COUNTY COUNCIL, APRIL 6, 1992

A RESOLUTION concerning the public disclosure of Daniela Thompson and Gary Thompson, employees of Baltimore County.

WHEREAS, Daniela Thompson, an employee of the Office of Zoning Administration, and Gary Thompson, an employee of the Health Department, have filed a complaint against a property owner on Beckleysville Road for certain zoning violations and the property owner has applied for a hearing before the Zoning Commissioner; and

WHEREAS, Daniela Thompson and Gary Thompson desire to testify as private citizens and neighbors in the hearing before the Zoning Commissioner.

WHEREAS, this Resolution is intended to provide full disclosure under Section 26-3(d) of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Daniela Thompson's and Gary Thompson's testimony before the Zoning Commissioner at the aforesaid hearing does not contravene the public welfare and is hereby authorized.

R3092/RES92

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone (410) 527-1555

Facsimile (410) 527-1563

January 20, 1992

Mr. Rockey Powell, Director
Water Quality Division - D.E.P.R.M.
County Courts Building
401 Bowley Avenue
Towson, Maryland 21204

Re: Trionfo Property

Dear Mr. Powell:

Please find enclosed, herewith, a slope analysis and forest buffer delineation for the above referenced site. The property is currently being processed as a minor subdivision.

According to your office, the subject stream is classified as a Use I, first-order stream. As a result, the minimum buffer required is 75 feet from the stream centerline. We have performed a slope analysis and have determined that addition buffer beyond the 75 feet is not required.

Due to the extent of the buffer, and the effect of the 35 foot building setback, we are hereby requesting a variance to the forest buffer setback requirements for lot two, to permit a 23 foot setback in lieu of the minimum required 35 feet. This would allow construction of a reasonably sized house, consistent with other houses in the neighborhood.

In an effort to minimize any adverse effect on the waterway, we have proposed that lot two use the existing driveway for lot one, thus reducing the proposed impervious area. Additionally, we have been able to keep the sewer and water house connections outside the buffer, thus preventing any disturbance within the buffer area.

I trust the above is sufficient for your consideration. Should you have any questions or require additional information, do not hesitate to call.

Very truly yours,

McKEE & ASSOCIATES, INC.

Geoffrey C. Schultz
Geoffrey C. Schultz, Vice President

GCS:ajw
Enclosure

cc: Nick Trionfo (w/enclosure)

Protest to Ex 41

PETITION
Baltimore County Zoning
Case # 92-333-A

Rear Yard Set Back
April 6th, 1992 2:00 P.M.
400 Washington Avenue, Room 118
Towson, MD 21204

We the people of the community of Hunting Lodge and surrounding neighbors do hereby contest the request for the rear yard set back, case # 92-333-A, property located at 9200 Cub Hill Road, Baltimore County, MD 21204.

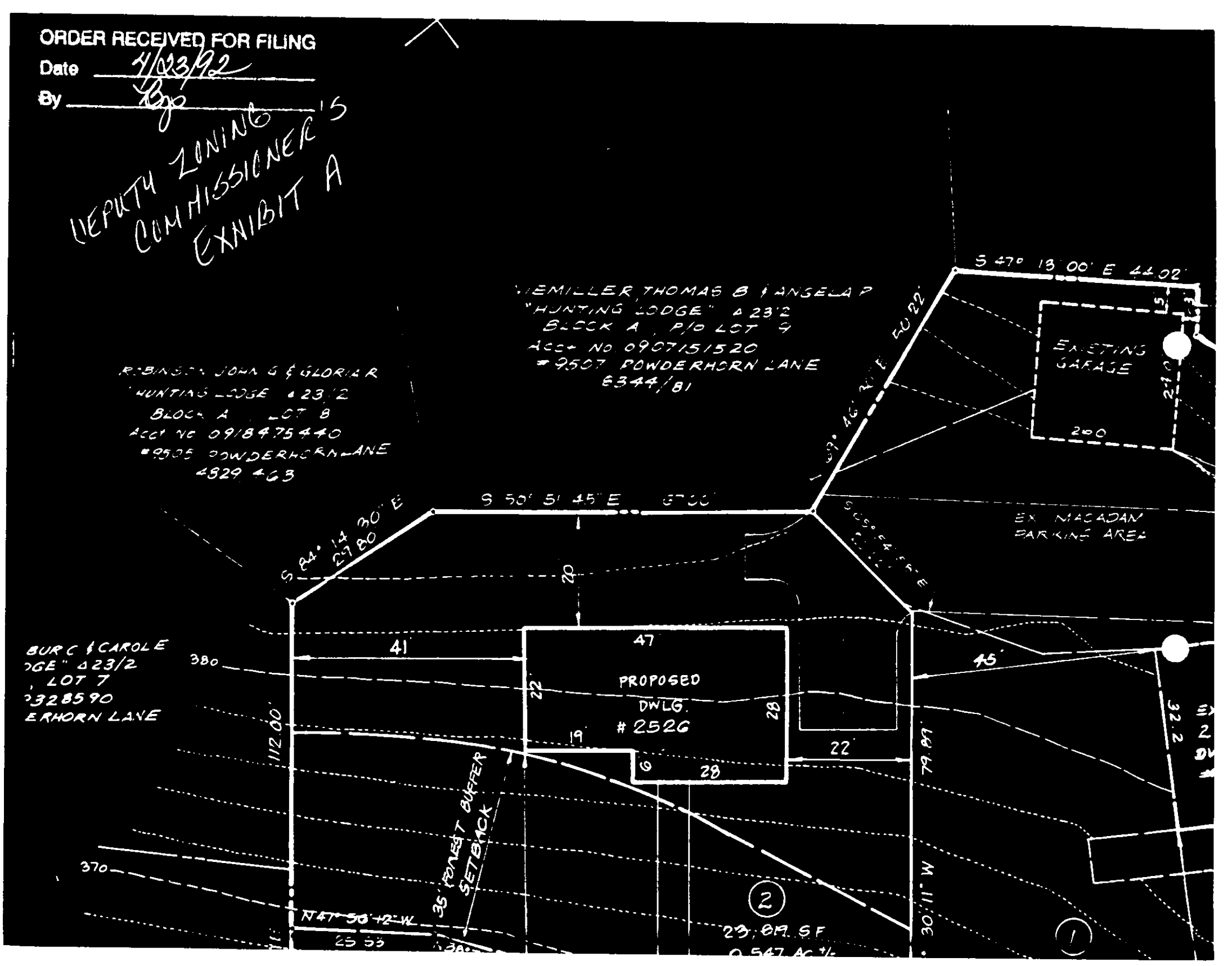
NAME	ADDRESS	PHONE #	SIGNATURE
David M. Denham	9507 Powderhorn Lane	668-6011	[Signature]
Tom White	9526 Powderhorn Lane	668-9119	[Signature]
William E. Diney	9501 Powderhorn Lane	661-4333	[Signature]
Glenn A. Kinsman	9505 Powderhorn Lane	668-1361	[Signature]
Eric E. E. E.	9511 Powderhorn Lane	661-2595	[Signature]
John A. Maclellan	9509 Powderhorn Lane	661-5813	[Signature]
Forest G. G. G.	9514 Powderhorn Lane	668-7890	[Signature]
Lockwood N. N.	9513 Powderhorn Lane	668-3326	[Signature]
John J. J.	9515 Powderhorn Lane	661-1299	[Signature]
John J. J.	9508 Powderhorn Lane	661-2122	[Signature]
John J. J.	9514 Powderhorn Lane	661-0810	[Signature]
John J. J.	9521 Powderhorn Lane	661-7759	[Signature]
John J. J.	9523 Powderhorn Lane	661-5419	[Signature]
John J. J.	9527 Powderhorn Lane	661-7876	[Signature]
John J. J.	9531 Powderhorn Lane		[Signature]

PETITION
Baltimore County Zoning
Case # 92-333-A

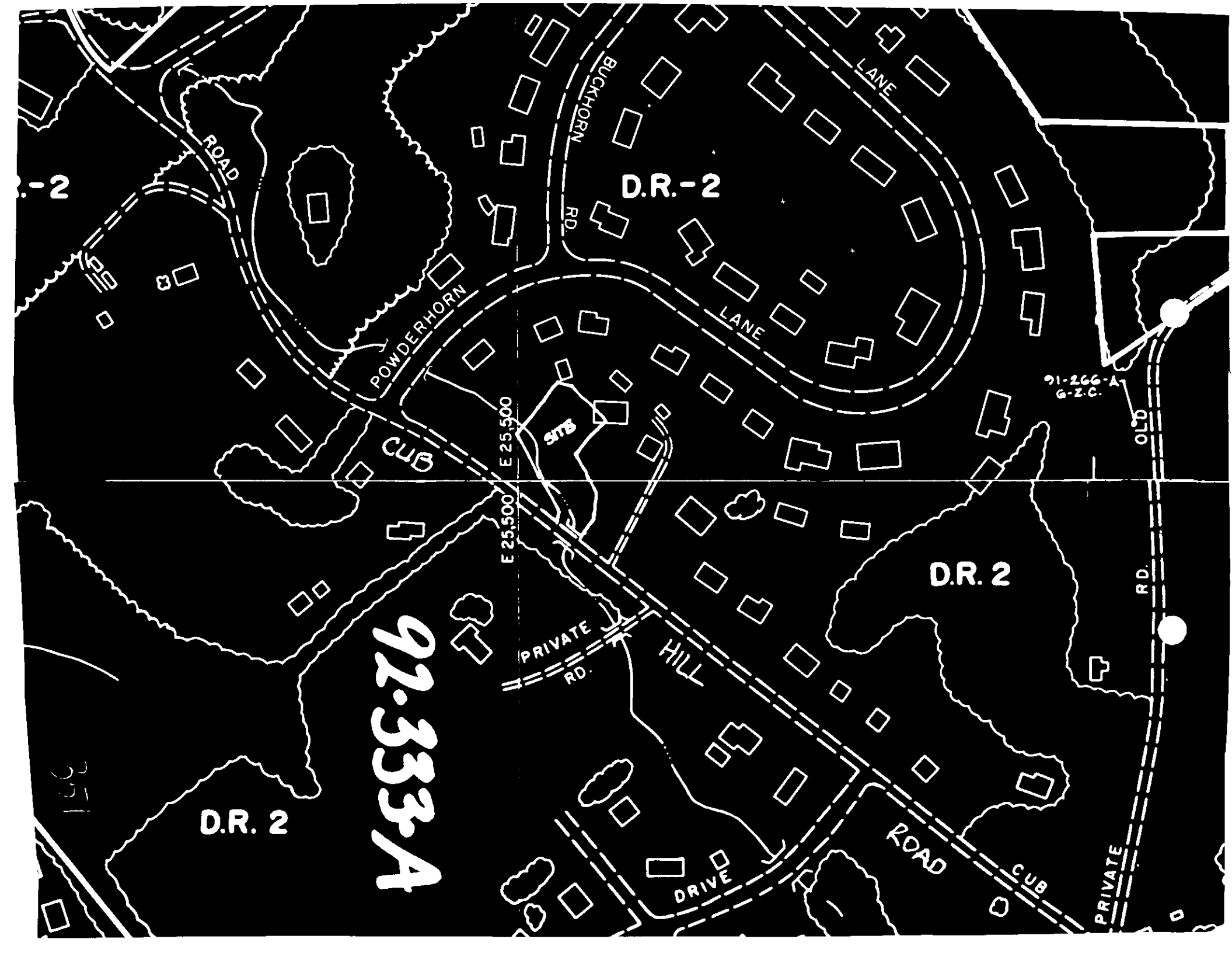
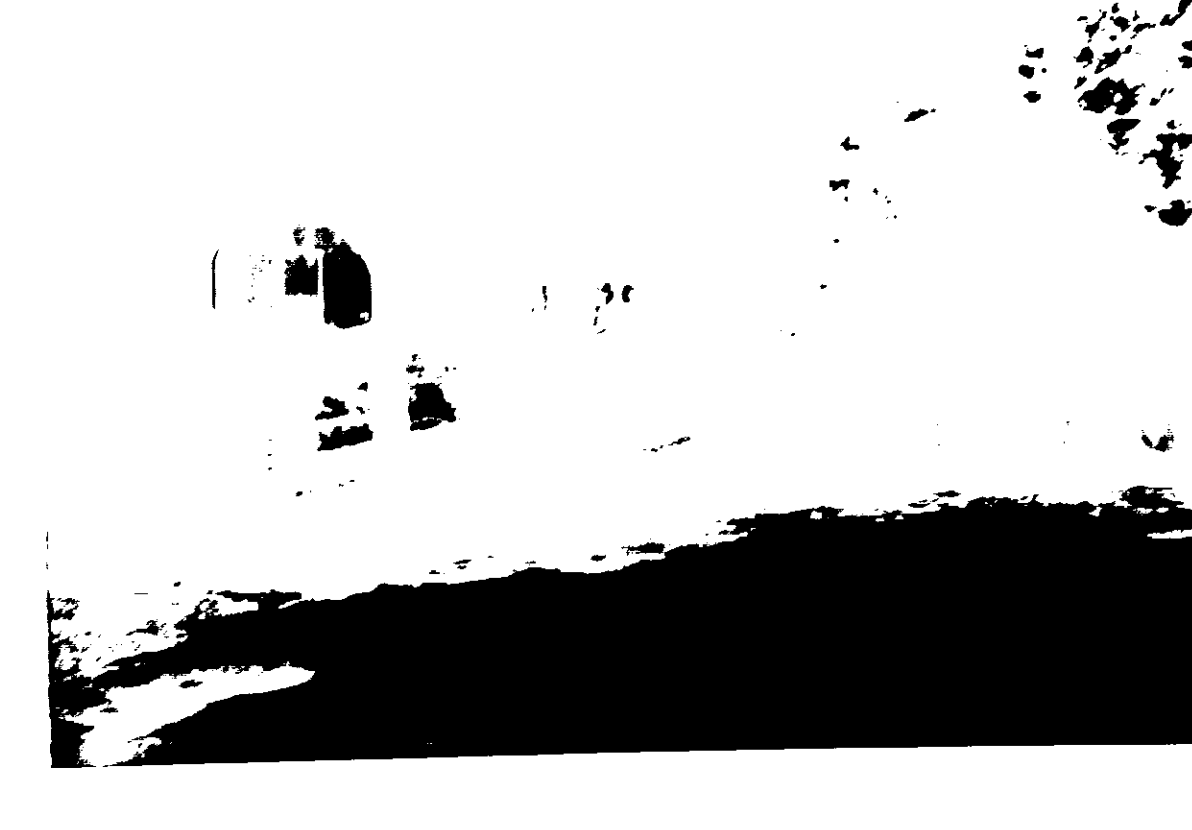
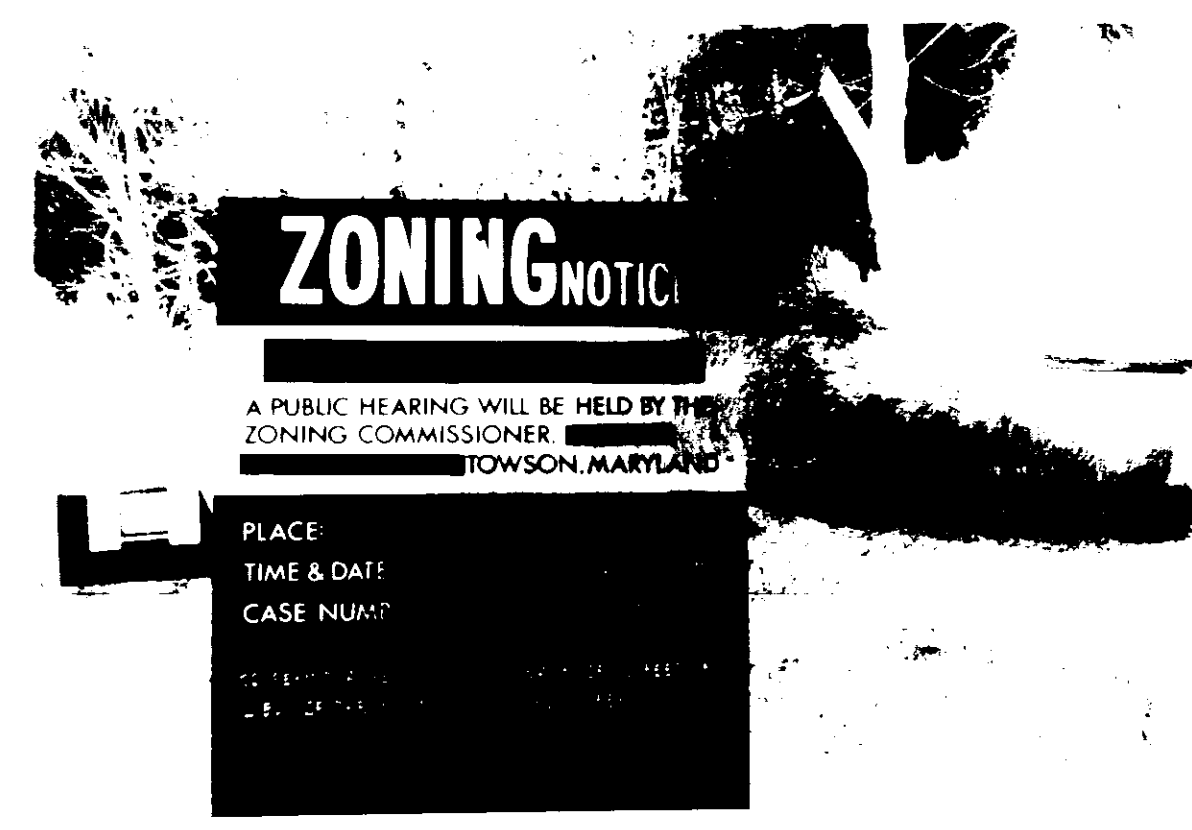
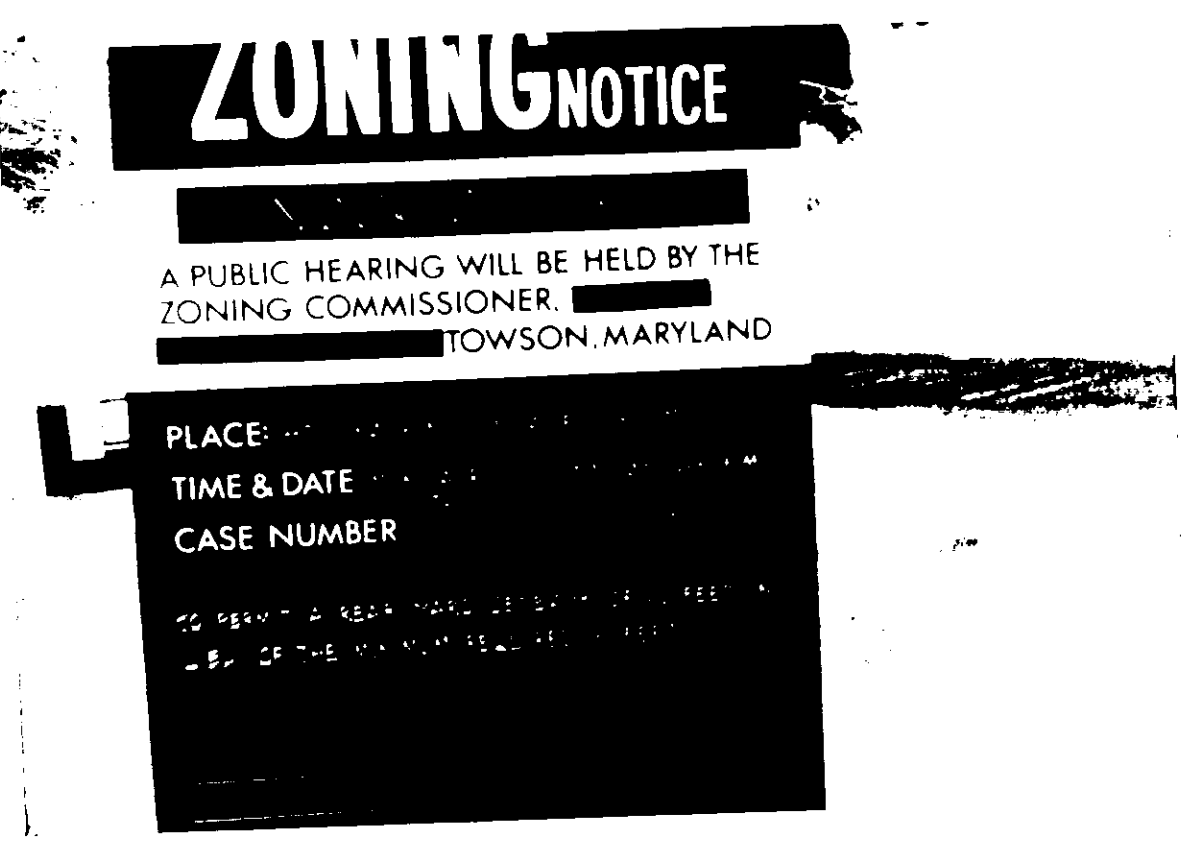
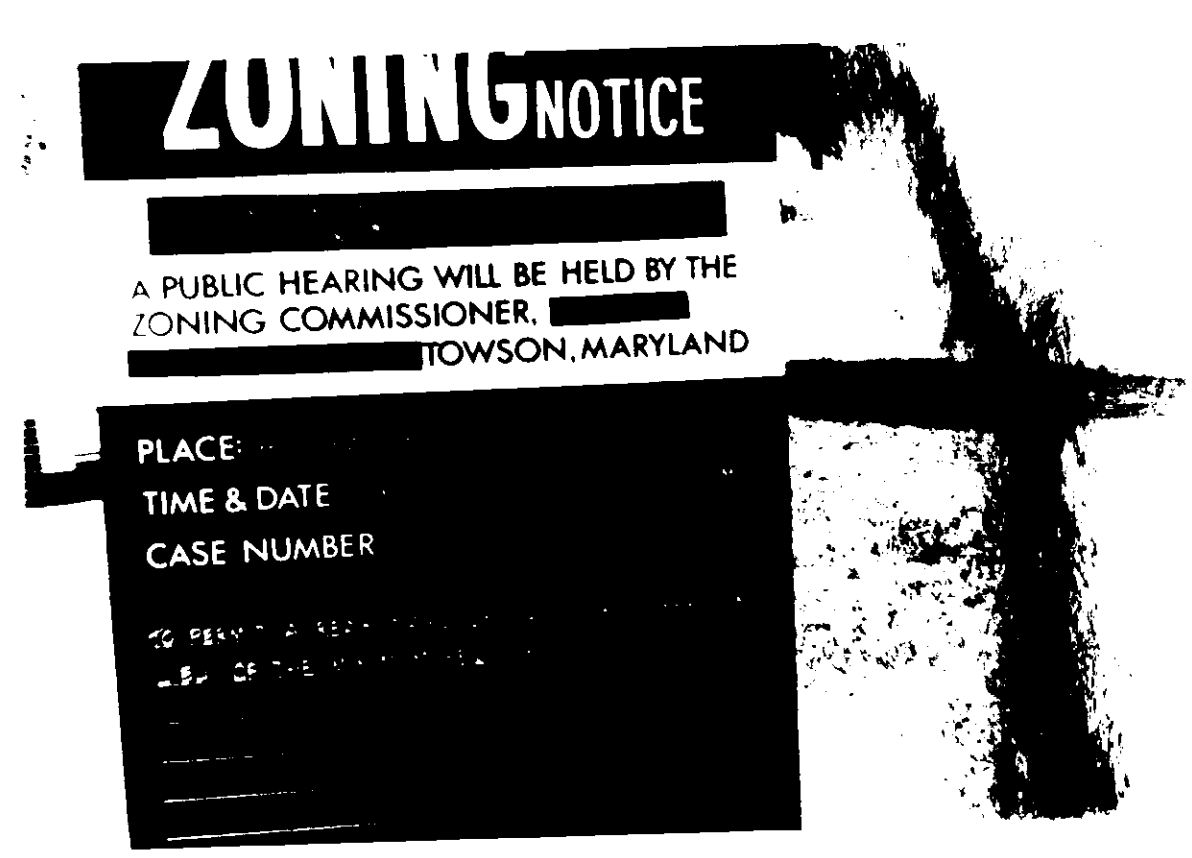
Rear Yard Set Back
April 6th, 1992 2:00 P.M.
400 Washington Avenue, Room 118
Towson, MD 21204

We the people of the community of Hunting Lodge and surrounding neighbors do hereby contest the request for the rear yard set back, case # 92-333-A, property located at 9200 Cub Hill Road, Baltimore County, MD 21204.

NAME	ADDRESS	PHONE #	SIGNATURE
John J. J.	9516 Powderhorn Lane	668-5317	[Signature]
John J. J.	9523 Powderhorn Lane	668-1717	[Signature]
John J. J.	9505 Powderhorn Lane	668-1361	[Signature]
John J. J.	9512 Powderhorn Lane	668-5112	[Signature]
John J. J.	9505 Powderhorn Lane	668-1361	[Signature]
John J. J.	9505 Powderhorn Lane	668-1361	[Signature]
John J. J.	9505 Powderhorn Lane	668-1361	[Signature]
John J. J.	9505 Powderhorn Lane	668-1361	[Signature]
John J. J.	9505 Powderhorn Lane	668-1361	[Signature]
John J. J.	9505 Powderhorn Lane	668-1361	[Signature]



Photograph
92-333-A



GENERAL NOTES

1. CENSUS TRACT 1922
2. COUNCILMANIC DISTRICT 3
3. REGIONAL PLANNING DISTRICT 3
4. WATERSHED 4, SUBWATERSHED 21
5. ELECTION DISTRICT 9
6. LOTS WILL OPERATE ON PUBLIC WATER
7. LOCAL OPEN SPACE IS NOT REQUIRED FOR THIS SUBDIVISION
8. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO HISTORICAL AREAS, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITAT OR HAZARDOUS MATERIALS ON THIS SITE
9. THE DRIVEWAY SHALL BE PAVED WITHIN ONE YEAR OF THE ISSUANCE OF THE FIRST OCCUPANCY PERMIT AND PRIOR TO THE ISSUANCE OF THE OCCUPANCY PERMIT OF THE LAST LOT TO BE SERVED WHICHEVER COMES FIRST (SECTION 22-85H)
10. EXISTING SITE IS NOT VACANT
11. PROPOSED USE OF PROPERTY 2 SINGLE FAMILY RESIDENTIAL DWELLING UNITS
12. COVENANTS WILL BE RECORDED REGARDING USE AND MAINTENANCE OF PROPOSED DRIVEWAY
13. ELEMENTARY DISTRICT
14. THERE ARE NO EXISTING WELLS, SEPTIC SYSTEMS, OR UNDERGROUND STORAGE TANKS ON-SITE
15. THERE ARE NO WELLS WITHIN 100 FEET OF THE PROPERTY

17. ALL USE IN COMMON DRIVEWAYS MUST BE CONSTRUCTED TO THE REAR LOT. MAINTENANCE TO DRIVEWAYS IS TO BE IN COMPLIANCE WITH THE COVENANTS TO BE RECORDED PRIOR TO THE SALE OF LOTS. REFUSE COLLECTION, SNOW REMOVAL AND "ROADWAY" MAINTENANCE WILL BE PROVIDED AT THE JUNCTION OF THE MAIN HARD-SURFACED ROADWAY AND THE DRIVEWAY AND NOT ON THE PAVED HANDLE LOT DRIVEWAY

18. ALL DRIVEWAYS ARE TO BE PAVED WITH A DURABLE 3" MIN. D.I.T. 5" SURFACE

19. LOTS SHOWN HEREON WILL OPERATE ON PUBLIC WATER AND SEWER

DENSITY NOTES

1. GROSS AREA OF SITE 10.11 AC +/-
2. EXISTING ZONING DR-2
3. NUMBER OF LOTS ALLOWED 2 LOTS
4. NUMBER OF LOTS PROPOSED 2 LOTS
5. NUMBER OF PARKING SPACES REQUIRED 2 PER LOT
6. NUMBER OF PARKING SPACES PROPOSED 2+ PER LOT

BAILEY WILLIAM E & FLORENCE M
"HUNTING LODGE" #23/2
BLOCK A, P/O LOT 2
ACCT NO. 092600370
#9501 POWDERHORN LANE
519/623

ROBINSON JOHN G & GLORIA R
"HUNTING LODGE" #23/2
BLOCK A, LOT 8
ACCT NO. 0918475440
#9503 POWDERHORN LANE
4829/665

SHAEFFER WILBUR C (CARLE)
"HUNTING LODGE" #23/2
BLOCK A, LOT 7
ACCT NO. 0919328590
#9503 POWDERHORN LANE

VIEMILLER THOMAS B & ANGELA P
"HUNTING LODGE" #23/2
BLOCK A, P/O LOT 9
ACCT NO. 0907151520
#9507 POWDERHORN LANE
8344/81

MUELLER JOHN A & MILDRED F
"HUNTING LODGE" #23/2
BLOCK A, P/O LOT 10
ACCT NO. 0918300090
#9509 POWDERHORN LANE
5589/584

MISUNAS KASYS M & ADOLF N
"HUNTING LODGE" #23/2
BLOCK A, P/O PARCEL B
ACCT NO. 0918002763
#2402 POWDERHORN LANE
5122/68

ZONING REQUEST LOT 2

REQUESTING A VARIANCE TO SECTION 1802.9 C.1 (DR-2) TO PERMIT A REAR YARD SETBACK IN A DR-2 ZONE OF 20 FEET IN LIEU OF THE MINIMUM REQUIRED 40 FEET

APPROVED DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
DIRECTOR DATE

MINOR SUBDIVISION PLAN AND PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE LOT 2

TRIONFO PROPERTY

9TH ELECTION DISTRICT
SCALE: 1" = 20'

BALTO. COUNTY, MD
DECEMBER 30, 1991

McKEE & ASSOCIATES, INC.

Engineering Surveying Real Estate Development
SHAWAN PLACE 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
(301) 252 5820



Completed by GCS
Drawn by LJP
Checked by GCS
Job Number 91-131

James W. McKee Date
(Maryland Registered No. 9012)

DATE	REVISION
3/24/92	AS PER AGENCY COMMENTS

CUB HILL ROAD

WALTHAM WOODS ROAD

OWNER

NICOLAS P & KAREN L. TRIONFO
HOPKINS CONSTRUCTION COMPANY
8811 HAREFORD ROAD
BALTIMORE, MARYLAND 21234
TAX ACCT NOS: 0918002761 & 0918002762
DEED REFERENCE 8801/140
"HUNTING LODGE" #23/2
P/O LOT 9, P/O LOT 10, P/O PARCEL B

PETITIONER'S EXHIBIT 4